

REMARKS

In response to the outstanding Office Action, Paper No./Mail Date 041006, dated April 19, 2006, Applicant has carefully studied the references cited by the Examiner and the Examiner's comments relative thereto.

Claim 18 has been amended.

Claims 1-20 remain in the application for consideration by the Examiner.

No new matter has been added.

Reconsideration of the application is respectfully requested.

If the Examiner does not feel the instant amendment places the application in condition for allowance, entry for purposes of appeal is respectfully requested.

35 U.S.C. § 102(b)

The Examiner rejected Claims 1-2, 4-5, 10, 13, and 15-16 as being anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,368,226 to Mucaria for GLASS UNITS. The Examiner stated:

"Mucaria shows an impact resistant glass structure comprising a generally planar glass first layer (3,5,4) having an outer edge, a generally planar impact resistant plastic second layer (9) spaced from and substantially parallel with the first layer, the second layer having an outer edge, a generally planar glass third layer (6,8,7) with a laminate film (8) disposed on a surface thereof spaced from and substantially parallel with the first (sic) and second layer, the third layer having an outer edge,...."

Mucaria is deemed no more pertinent than the prior art of record previously cited by the Examiner. Claim 1 recites in part, "a generally planar glass third layer with a laminate film disposed on a surface thereof...". Mucaria discloses the use of a first layer (1) and a second layer (2) where "it is preferred that each layer itself be a safety glass laminate...". "...[L]ayer 1 is preferably constructed of a first and second glass layer 3,4 bonded together by an interlayer of polyvinyl butyral 5... and layer 2 is preferably composed of two glass panes 6,7 interconnected and bonded together by an interlayer of polyvinyl butyral 8." [Col. 1, lines 65-68 and Col. 2, lines 1-3]. Mucaria discloses a structure with two layers (1, 2) that are laminated glass layers, while the instant application discloses a single glass layer having a laminate film on an inner surface thereof. Laminated glass is not glass with a laminate film disposed on a surface. Laminated glass is a term of art in the glazing industry and defined in Webster's Online Dictionary (available at: <http://www.websters-online-dictionary.org>) as "glass made with plates of plastic or resin or other material **between** two sheets of glass to

prevent shattering” (emphasis added). Paragraph 11 of the specification of the instant application discloses a glass layer with a laminate film on one or more surfaces as well as laminated glass as defined above. The drawing originally filed also discloses the glass layer with a laminate film on an inner surface thereof. Mucaria does not anticipate Claim 1 because Mucaria does not disclose a glass layer with a laminate film on a surface thereof. Accordingly, Claim 1 is patentable over Mucaria.

Since Claim 1 is deemed patentable, Claims 2, 4-5, 10, 13, and 15-16 which depend directly or indirectly therefrom, are not anticipated under 35 U.S.C. § 102(b) by Mucaria and are patentable.

The Examiner also rejected Claim 18 as being anticipated under 35 U.S.C. § 102(b) by Mucaria. More specifically, the Examiner stated:

“Mucaria shows an impact resistant glass structure comprising a generally planar glass first layer (3,5,4) having an outer edge, a generally planar impact resistant plastic second layer (9) spaced from and substantially parallel with the first layer, the second layer having an outer edge, a generally planar glass third layer (6,8,7) with a laminate film (8) disposed on a surface thereof spaced from and substantially parallel with the first (sic) and second layer, the third layer having an outer edge,....”

Mucaria discloses the use of a first layer (1) and a second layer (2) where “it is preferred that each layer itself be a safety glass laminate...” where “...layer 1 is preferably constructed of a first and second glass layer 3,4 bonded together by an interlayer of polyvinyl butyral 5... and layer 2 is preferably composed of two glass panes 6,7 interconnected and bonded together by an interlayer of polyvinyl butyral 8.” [Col. 1, lines 65-68 and Col. 2, lines 1-3]. For the same reasons listed above, Mucaria does not anticipate Claim 18 under 35 U.S.C. § 102(b) and is patentable.

The Examiner also rejected Claims 19 and 20 as being anticipated under 35 U.S.C. § 102(b) by Mucaria. More specifically, the Examiner stated:

“Mucaria shows an impact resistant glass structure comprising a generally planar glass first layer (3,5,4) having an outer edge, a generally planar impact resistant plastic second layer (9) spaced from and substantially parallel with the first layer, the second layer having an outer edge, a generally planar glass third layer (6,8,7) with a laminate film (8) disposed on a surface thereof spaced from and substantially parallel with the first (sic) and second layer, the third layer having an outer edge,....”

Mucaria discloses the use of a first layer (1) and a second layer (2) where “it is preferred that each layer itself be a safety glass laminate...” where “...layer 1 is preferably constructed of a first and second glass layer 3,4 bonded together by an interlayer of polyvinyl

butyral 5... and layer 2 is preferably composed of two glass panes 6,7 interconnected and bonded together by an interlayer of polyvinyl butyral 8.” [Col. 1, lines 65-68 and Col. 2, lines 1-3]. For the same reasons listed above for Claim 1, Mucaria does not anticipate Claim 19 under 35 U.S.C. § 102(b) and is patentable.

Since Claim 19 is deemed patentable, Claim 20 which depends therefrom, is not anticipated under 35 U.S.C. § 102(b) by Mucaria and is patentable.

Reconsideration of the rejection of Claims 1-2, 4-5, 10, 13, 15-16, and 18-20 under 35 U.S.C. § 102(b) is respectfully requested.

35 U.S.C. § 103(a)

The Examiner rejected Claim 3 as being obvious over Mucaria in view of U.S. Patent No. 6,286,288 to France under 35 U.S.C. § 103(a). The Examiner rejected Claim 6 over Mucaria in view of France as applied to Claim 4, and further in view of U.S. Patent No. 5,784,853 to Hood et al. for THERMALLY INSULATING MULTIPANE GLAZING STRUCTURE. The Examiner rejected Claim 7-9, 12, and 14 over Mucaria in view of Hood et al. The Examiner rejected Claim 11 over Mucaria in view of U.S. Patent No. 6,108,999 to Smith et al. for WINDOW AND GLAZING FOR A WINDOW. The Examiner also rejected Claim 17 over Mucaria in view of U.S. Patent No. 4,459,789 to Ford for WINDOW.

As discussed above, Claim 1 is patentable over Mucaria. Therefore, Claims 3, 6-9, 11-12, 14, and 17 and which depend therefrom are patentable.

Accordingly, reconsideration of the rejections under 35 U.S.C. § 103(a) is respectfully requested.

The other references cited by the Examiner, but not applied, have been studied and are not considered to be any more pertinent than the references relied upon by the Examiner.

In view of the amendments to the Claim and the above arguments, the Applicants believe that the Claims of record now define patentable subject matter over the art of record. Accordingly, an early Notice of Allowance is respectfully requested.

While the Applicants’ attorney has made a sincere effort to properly define Applicants’ invention and to distinguish the same from the prior art, should the Examiner deem that other language would be more appropriate, it is requested that a telephone interview be had with the Applicants’ attorney in a sincere effort to expedite the prosecution of the application.